

**REGULAR MEETING OF THE  
BRIGHAM CITY COUNCIL  
NOVEMBER 19, 2009**

PRESENT:	Lou Ann Christensen	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Dennis Fife	Mayor Elect
ALSO PRESENT:	Rick Bosworth	Human Resources Manager
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Interim Public Power Director
	Mary Kate Christensen	City Recorder
	Blake Fannesbeck	Public Works Director
	Nancy Green	Senior Center Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Kirk Morgan	City Attorney
	Raymond Poulson	Waste Treatment Superintendent
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police

Mayor Christensen called the meeting to order. The Reverence Period was given by Councilmember Marabella. The scouts in the audience led the Pledge of Allegiance. A motion to approve the minutes of the October 15, 2009 Council Meeting was made by Councilmember Ericson, seconded and carried. Mayor Christensen presented the agenda as follows:

**PUBLIC COMMENT**

**CONSENT**

- Request to Schedule a Special Meeting for December 10, 2009 at 7:00 pm to Consider Approval of Bonds for Construction of UTOPIA's Fiber Optic Telecommunications Network
- Request to Cancel December 31, 2009 Council Meeting Due to the Holidays
- New Hire, Public Works
- New Hires, Ambulance Division

**SCHEDULED DELEGATION**

- Request to Pre-Pay Airport Site for 20 Years

**NEW BUSINESS**

- Amendment of an Ordinance for Recovering Public Safety Expenses

**UNFINISHED BUSINESS**

- Report on Pedestrian Flag Cross Walk Pilot Program
- Amendment to the City's Six-Year Capital Projects Plan to Include a CDBG Boys and Girls Club Project

**MAKING LIFE BETTER - DEPARTMENT REPORTS**

**CLAIMS**

- Payment Register

Councilmember Christensen made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

**PUBLIC COMMENT**

Before the Public Comment was opened, Mayor Christensen read the following statement.

"There is some misinformation being circulated throughout the community regarding UTOPIA and the voluntary special assessment bonds being issued by the City to provide fiber optics to the home. It's important

for everyone to understand that the voluntary assessment is only assessed against those property owners that voluntarily signed a contract subscribing to the service with UTOPIA. It is not being forced to homeowners that did not request or subscribe to the service for their home. It is the City's intent to have fiber optics available to all homeowners in this City and they can choose to use it if they voluntarily subscribe for the service. Any homeowner wishing to have the service can do so by contacting UTOPIA or City Offices. We encourage people to call and get the facts. The contact people to contact is Paul Larsen, Jason Roberts, Bruce Leonard, Deniece Roche and Diane Reichard."

Bonnie Germer - Ms. Germer said she still had questions from the last meeting. She felt that Todd Marriott from UTOPIA skirted around a lot and was reselling UTOPIA to the Council. She asked for the total dollar amount Brigham City has pledged in order to bring UTOPIA to Brigham City. That has never been answered. She thought Brigham City borrowed \$17 million or \$25 million and then refinanced. Mayor Christensen said Brigham City has not paid one penny. Ms. Germer asked how much the City's pledge is and for how many years. She asked if the \$600,000 is added onto what has been pledged for the next 30 years. For the last three years she has asked when they are going to start and the answer has always been "in the spring" and it still hasn't started. She has also asked when it will be finished and it has never been answered. The City is going to be charged \$26,000 for the City facilities to get UTOPIA. She asked if this is in addition to what the City has pledged. She asked what pockets are going to be emptied in order to get all this money. She asked if UTOPIA is certified with the CLEC and the NANP. Councilmember Marabella suggested Ms. Germer email her questions to one of the councilmembers so they can answer in detail.

#### **CONSENT**

##### **Request to Schedule a Special Meeting for December 10, 2009 at 7:00 pm to Consider Approval of Bonds for Construction of UTOPIA's Fiber Optic Telecommunications Network**

##### **Request to Cancel December 31, 2009 Council Meeting Due to the Holidays**

##### **New Hire, Public Works**

It was recommended the City Council approve Bryce Lofthouse as Waste Treatment Maintenance Mechanic, Grade 49, effective November 23, 2009.

##### **New Hires, Ambulance Division**

It was also recommended Cynthia Peterson, Camron Stevenson and Colby Thompson be hired as paid-on-call EMTs effective November 23, 2009.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded and carried.

#### **SCHEDULED DELEGATION**

##### **Request to Pre-Pay Airport Site for 20 Years**

Mr. Larry Pierce came forward and explained that his airport lease is \$2,383 per year. He requested that he be allowed to pay 20 years in advance. Mayor Christensen said the Council will discuss this in the Executive Session after the Council meeting.

Mr. Pierce said he was assessed an impervious impact fee of \$4,882. Now he's getting a monthly bill of \$8.00 to pay for the drain, which he is happy to pay, except there is no drain. There is only a mud ditch. He would either like to be hooked to the drain or get his money back.

Mr. Pierce said he has offices downstairs and break rooms upstairs. He was told there is a fire code that he cannot have a window between their office or break room and the hangar unless it is a 45 minute fire resistant window. It would cost him \$1,500 for this type of window.

Mayor Christensen stated that she will have staff look into his questions and get back with him.

## **NEW BUSINESS**

### **Amendment of an Ordinance for Recovering Public Safety Expenses**

Mr. Jim Buchanan came to the table and stated that as part of the 2009-10 budget process, he was instructed to look at creating fees for fire protection services. This ordinance allows for these fees. In addition, it changes the necessity to have hazardous material fee adjustments brought to the Council every year. Any increase in fees for fire, ambulance and hazardous material can be part of the budget process. The ordinance also states that the Finance Director is the appeal authority.

MOTION: Councilmember Christensen made a motion to approve the amendment of an ordinance for recovering Public Safety expenses, seconded by Councilmember Reese Jensen. Voting was unanimously in favor.

AMENDMENT MOTION: Councilmember Christensen amended his motion to include that the Finance Director will be the Hearing Officer, seconded by Councilmember Reese Jensen and unanimously carried.

## **UNFINISHED BUSINESS**

### **Report on Pedestrian Flag Cross Walk Pilot Program**

Mr. Fonnesbeck came forward and reported that the flags at the cross walks have been working well. There have not been any stolen as feared. There has been a lot of positive feedback and it has not been a big expense to the City. He recommended the program continue.

MOTION: Councilmember Ericson made a motion to make the cross walk flags a permanent fixture in the mid-block crossings in the downtown area. The motion was seconded by Councilmember Reese Jensen and unanimously carried.

### **Amendment to the City's Six-Year Capital Projects Plan to Include a Community Development Block Grant (CDBG) Boys and Girls Club Project**

Mr. Bosworth stated that the Boys and Girls Club would like to apply for CDBG funds. In order to do so they have to be sponsored by a government entity and the project must be on that government entity's capital projects plan. The B&G Club would like to do some plumbing upgrades and repairs at an estimate of \$50,000.

MOTION: Councilmember Ericson moved to amend the City's Six-Year Capital Projects Plan to include \$50,000 for the Boys and Girls Club project. Councilmember Reese Jensen seconded the motion, unanimously carried.

## **MAKING LIFE BETTER - DEPARTMENT REPORTS**

**Bear River Access Road** - Mr. Fonnesbeck reported that Phase II of the Bear River Access Road has been bid out. This is a nine-mile stretch from the Bird Refuge Visitor's Center west. The portion that was widened by the County will be overlaid. From there west there will be reconstruction of the entire length of the road. The road will be down to one lane from the first week in December through mid-January. The road further west will be closed from June to September 2010. Paving will be completed by fall 2010 but the project is scheduled to be complete in June 2011.

**Safe Routes to School Program** - Mr. Fonnesbeck said they have been working with three elementary schools to get sidewalks near their school. Two of them, Bunderson and Discovery, were awarded funds from UDOT's Safe Routes to School Program. These were recently completed. This was a \$150,000 project and Brigham City didn't have to do anything but help with the applications, do some of the preliminary engineering, and some staff time.

**Recycling Bins** - Mr. Fonnesbeck reported that the recycling bins at the old fire station will be moved on December 1 to the old K-Mart Building.

Chief Tittensor - Chief Tittensor announced that Lt. Mike Nelsen and Lt. Dennis Vincent recently attended the International Special Olympics Torch Run Conference. At that conference, Lt. Nelsen was recognized as one of the nation's top Special Olympic Torch Run Administrator and Participant. He does an outstanding job.

### **CLAIMS**

#### **Payment Register**

Councilmember Christensen moved to approve Miscellaneous Claims dated October 1, 2009 in the amount of \$164,670.35 and General Claims dated December 4 in the amount of \$377,664.70; for December 13, \$1,011,730.01; November 17, \$231,650.08. The motion was seconded and carried.

A motion to adjourn to an Executive Session to discuss the purchase, exchange or lease of real property was made by Councilmember Ruth Jensen. A roll call vote was taken in which all councilmembers voted aye. The meeting adjourned to an Executive Session at 7:53 p.m. The Council returned to an open meeting at 9:20 p.m. and adjourned.